

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
 (Under 37 CFR 1.97(b) or 1.97(c))

 Docket No.
 18086 (PC27339A)

In Re Application Of: Maria Cristina Geroni, et al.

AUG 05 2005

 Application No.
 10/535,017

Filing Date

April 28, 2005

Examiner

Unassigned

Customer No.

23389

Group Art Unit

Unassigned

Confirmation No.

Unassigned

Title:

METHOD FOR OPTIMIZING THERAPEUTIC EFFICACY OF NEMORUBICIN

Address to:

 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
18086 (PC27339A)

In Re Application of: Maria Cristina Geroni, et al.

Application No.
10/535,017

Filing Date
April 28, 2005

Examiner
Unassigned

Customer No.
23389

Group Art Unit
Unassigned

Confirmation No.
Unassigned

Title:

METHOD FOR OPTIMIZING THERAPEUTIC EFFICACY OF NEMORUBICIN

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. _____) on _____ (Date) _____ Signature _____
Typed or Printed Name of Person Signing Certificate _____

Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on August 3, 2005 (Date) Peter I. Bernstein Signature of Person Mailing Correspondence
Peter I. Bernstein
Typed or Printed Name of Person Mailing Certificate _____

***This certificate may only be used if paying by deposit account.**

Peter I. Bernstein
Signature

Dated: August 3, 2005

Peter I. Bernstein
Registration No. 43,497
Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Maria Cristina Geroni, et al.

Examiner: Unassigned

Serial No.: 10/533,017

Art Unit: Unassigned

Filed: April 28, 2005

Docket: 18086 (PC27339A)

For: METHOD FOR OPTIMIZING
THERAPEUTIC EFFICACY
OF NEMORUBICIN

Dated: August 3, 2005

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:


In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. European Patent Publication No. 1 088 900 A1, published April 4, 2001;
2. Fraier D. et al., "LC-MS-MS Determination of Nemorubicin (Methoxymorpholinylidoxorubicin, PNU-152243A) and its 13-OH Metabolite (PNU-155051A) in Human Plasma", *Journal of Pharmaceutical and Biomedical Analysis*, 30:377-389 (2002);
3. Rivory L.P. et al., "Optimizing the Erythromycin Breath Test for Use in Cancer Patients", *Clinical Cancer Research*, 6:3480-3485 (2000);

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 3, 2005


Peter I. Bernstein

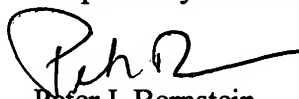
4. Rivory L.P. et al., "Hepatic Cytochrome P450 3A Drug Metabolism is Reduced in Cancer Patients Who Have an Acute-Phase Response", *British Journal of Cancer*, 87(3):277-280 (2002);
5. Hirth J. et al., "The Effect of an Individual's Cytochrome CYP3A4 Activity on Docetaxel Clearance", *Clinical Cancer Research*, 6:1255-1258 (2000);
6. Martinez C. et al., "Expression of Paclitaxel-Inactivating CYP3A Activity in Human Colorectal Cancer: Implications for Drug Therapy", *British Journal of Cancer*, 87(6):681-686 (2002);
7. Quintieri L. et al., "*In Vivo* Antitumor Activity and Host Toxicity of Methoxymorpholinyl Doxorubicin: Role of Cytochrome P450 3A", *Cancer Research*, 60:3232-3238 (2000);
8. PCT International Publication No. WO 01/58444 A1, published August 16, 2001;
9. PCT International Publication No. WO 02/088714 A2, published November 7, 2002;
10. Nelson D.R. et al., "P450 Superfamily: Update on New Sequences, Gene Mapping, Accession Numbers and Nomenclature", *Pharmacogenetics*, 6:1-42 (1996);
11. de Waziers et al., "Cytochrome P450 Isoenzymes, Epoxide Hydrolase and Glutathione Transferases in Rat and Human Hepatic and Extrahepatic Tissues", *The Journal of Pharmacology and Experimental Therapeutics*, 253(1):387-394 (1990);
12. Chang T.K.H. et al., "Differential Activation of Cyclophosphamide and Ifosfamide by Cytochromes P-450 and 3A in Human Liver Microsomes", *Cancer Research*, 53:5629-5637 (1993);
13. Kivistö K.T. et al., "The Role of Human Cytochrome P450 Enzymes in the Metabolism of Anticancer Agents: Implications for Drug Interactions", *British Journal of Clinical Pharmacology*, 40:523-530 (1995);
14. Shimada T. et al., "Interindividual Variations in Human Liver Cytochrome P-450 Enzymes Involved in the Oxidation of Drugs, Carcinogens and Toxic Chemicals: Studies with Liver Microsomes of 30 Japanese and 30 Caucasians", *The Journal of Pharmacology and Experimental Therapeutics*, 270(1):414-423 (1994);

15. Murray A. et al., "Study of the Immunohistochemistry and T Cell Clonality of Enteropathy-Associated T Cell Lymphoma", *American Journal of Pathology*, 146(2):509-519 (1995);
16. Waxman D.J. et al., "P450 Gene Induction by Structurally Diverse Xenochmeicals: Central Role of Nuclear Receptors CAR, PXR, and PRAR", *Archives of Biochemistry and Biophysics*, 369(1):11-23 (1999); and
17. Geroni C. et al., "Methoxymorpholinylx (FCE23762, PNU152243) Metabolism: Isolation, Structure Identification, and Biological Characterization of Active Metabolites", *Proceedings of the American Association for Cancer Research*, 38:234 (1997).

Reference Nos. 1-9 were cited in a Search Report dated April 16, 2004 received from the European Patent Office. Applicants are submitting copies of the above-cited references, together with a copy of the Search Report. The relevance of above-identified reference nos. 1-9 has been described in the Search Report. The relevance of above-identified reference nos. 3, 10-17 has been described in the specification.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,



Peter I. Bernstein

Registration No. 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

PIB:dg

Form PTO-1449
(REV. 7-80) U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**LIST OF PRIOR ART
CITED BY APPLICANT**

(Use several sheets if necessary)

Atty. Docket No. (Optional)

18086 (PC27339A)

Application Number

10/533,017

Applicant(s)

Maria Cristina Geroni, et al.

Filing Date

April 28, 2005

Group Art Unit

Unassigned

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1 088 900 A1	4/4/01	EPO			√	
	WO 01/58444 A1	8/16/01	PCT			√	
	WO 02/088714 A2	11/7/02	PCT			√	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Fraier D. et al., "LC-MS-MS Determination of Nemorubicin (Methoxymorpholinylidoxorubicin, PNU-152243A) and its 13-OH Metabolite (PNU-155051A) in Human Plasma", <i>Journal of Pharmaceutical and Biomedical Analysis</i> , 30:377-389 (2002)
	Rivory L.P. et al., "Optimizing the Erythromycin Breath Test for Use in Cancer Patients", <i>Clinical Cancer Research</i> , 6:3480-3485 (2000)
	Rivory L.P. et al., "Hepatic Cytochrome P450 3A Drug Metabolism is Reduced in Cancer Patients Who Have an Acute-Phase Response", <i>British Journal of Cancer</i> , 87(3):277-280 (2002)
	Hirth J. et al., "The Effect of an Individual's Cytochrome CYP3A4 Activity on Docetaxel Clearance", <i>Clinical Cancer Research</i> , 6:1255-1258 (2000)
	Martinez C. et al., "Expression of Paclitaxel-Inactivating CYP3A Activity in Human Colorectal Cancer: Implications for Drug Therapy", <i>British Journal of Cancer</i> , 87(6):681-686 (2002)
	Quintieri L. et al., "In Vivo Antitumor Activity and Host Toxicity of Methoxymorpholinyl Doxorubicin: Role of Cytochrome P450 3A", <i>Cancer Research</i> , 60:3232-3238 (2000)

EXAMINER**DATE CONSIDERED**

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 7-80) PATENT AND TRADEMARK OFFICE		Atty. Docket No. (Optional) 18086 (PC27339A)	Application Number 10/533,017
LIST OF PRIOR ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i>		Applicant(s) Maria Cristina Geroni, et al.	
		Filing Date April 28, 2005	Group Art Unit Unassigned
		OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>	
		Nelson D.R. et al., "P450 Superfamily: Update on New Sequences, Gene Mapping, Accession Numbers and Nomenclature", <i>Pharmacogenetics</i> , 6:1-42 (1996)	
		de Waziers et al., "Cytochrome P450 Isoenzymes, Epoxide Hydrolase and Glutathione Transferases in Rat and Human Hepatic and Extrahepatic Tissues", <i>The Journal of Pharmacology and Experimental Therapeutics</i> , 253(1):387-394 (1990)	
		Chang T.K.H. et al., "Differential Activation of Cyclophosphamide and Ifosphamide by Cytochromes P-450 and 3A in Human Liver Microsomes", <i>Cancer Research</i> , 53:5629-5637 (1993)	
		Kivistö K.T. et al., "The Role of Human Cytochrome P450 Enzymes in the Metabolism of Anticancer Agents: Implications for Drug Interactions", <i>British Journal of Clinical Pharmacology</i> , 40:523-530 (1995)	
		Shimada T. et al., "Interindividual Variations in Human Liver Cytochrome P-450 Enzymes Involved in the Oxidation of Drugs, Carcinogens and Toxic Chemicals: Studies with Liver Microsomes of 30 Japanese and 30 Caucasians", <i>The Journal of Pharmacology and Experimental Therapeutics</i> , 270(1):414-423 (1994)	
		Murray A. et al., "Study of the Immunohistochemistry and T Cell Clonality of Enteropathy-Associated T Cell Lymphoma", <i>American Journal of Pathology</i> , 146(2):509-519 (1995)	
		Waxman D.J. et al., "P450 Gene Induction by Structurally Diverse Xenochmeicals: Central Role of Nuclear Receptors CAR, PXR, and PRAR", <i>Archives of Biochemistry and Biophysics</i> , 369(1):11-23 (1999)	
		Geroni C. et al., "Methoxymorpholinyl dx (FCE23762, PNU152243) Metabolism: Isolation, Structure Identification, and Biological Characterization of Active Metabolites", <i>Proceedings of the American Association for Cancer Research</i> , 38:234 (1997)	
EXAMINER		DATE CONSIDERED	
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			